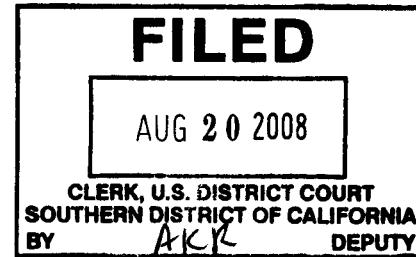


1  
2 Joseph Milchen  
3 Attorney at Law  
4 136 Redwood Street  
5 San Diego, CA 92103  
6 (619) 291-3399  
7 California State Bar No. 38098

8  
9  
10 Appointed Attorney for  
11 Defendant-Appellant  
12 Angel Jose Bermudez



13 UNITED STATES DISTRICT COURT

14 SOUTHERN DISTRICT OF CALIFORNIA  
15 (Honorable Dana M. Sabraw )

16 UNITED STATES OF AMERICA,	)	Criminal Case No. 08-CR-1191
17 v.	)	
18 ANGEL JOSE BERMUDEZ	)	
	)	
	)	
19 Plaintiff,	)	Notice of Appeal
20 v.	)	
21 ANGEL JOSE BERMUDEZ	)	
22 Defendant-Appellant.	)	
23	)	

---

24 Notice is hereby given that Angel Jose Bermudez, defendant in the above  
25 matter, hereby appeals to the United States Court of Appeal for the Ninth Circuit from  
26 the sentence only (18 U.S.C. Section 3742). The sentence was imprisonment for a  
27 term of 41 months, and was imposed on August 15, 2008.  
28

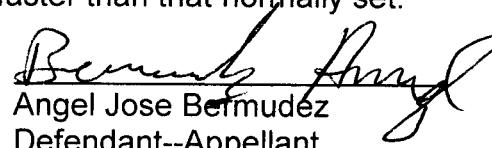
A transcript of the proceedings on August 15, 2008 is required. The Indictment  
was returned on April 15 ,2008. Defendant is in custody. There will be no request to /

/

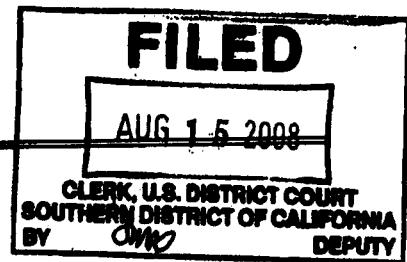
/

1 expedite the appeal, nor to set a schedule faster than that normally set.  
2

3 Dated: August 18, 2008  
4

  
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Angel Jose Bermudez  
Defendant--Appellant

AO 245B (Rev. 9/00) Judgment in a Criminal Case  
Sheet 1UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIAUNITED STATES OF AMERICA  
v.

ANGEL JOSE BERMUDEZ

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 08CR1191-DMS

Joseph Milchen CJA

Defendant's Attorney

REGISTRATION NO. 08033298

## THE DEFENDANT:

- pleaded guilty to count(s) 1, 2 and 3 of the Indictment
- was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

Title & Section	Nature of Offense	Count Number(s)
8 USC 1324(a)(1)(A)(ii) and (v)(II)	TRANSPORTATION OF ILLEGAL ALIEN AND AIDING AND ABETTING	1, 2, 3

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) \_\_\_\_\_
- Count(s) \_\_\_\_\_
- Assessment: \$100 x 3 = \$300.00.

is  are  dismissed on the motion of the United States.

- Fine waived.  Property forfeited pursuant to order filed \_\_\_\_\_, included herein.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

AUGUST 15, 2008

Date of Imposition of Sentence

HON. DANA M. SABRAW  
UNITED STATES DISTRICT JUDGE

08CR1191-DMS

DEFENDANT: ANGEL JOSE BERMUDEZ  
CASE NUMBER: 08CR1191-DMS

### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of FORTY-ONE (41) MONTHS as to each of Counts 1, 2 and 3, concurrently.

The court makes the following recommendations to the Bureau of Prisons:

Defendant to be designated to a facility in the Southern District of California.  
Defendant to participate in the 500-hour drug treatment program.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_  
as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

before \_\_\_\_\_  
 as notified by the United States Marshal.  
 as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

AO 245D (Rev. 12/03) Judgment in a Criminal Case for Revocations  
Sheet 3 — Supervised Release

Judgment—Page 3 of 4

DEFENDANT: ANGEL JOSE BERMUDEZ

CASE NUMBER: 08CR1191-DMS

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:  
**TWO (2) YEARS** as to each of Counts 1, 2 and 3, concurrently.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

*For offenses committed on or after September 13, 1994:*

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 4 drug tests per month during the term of supervision, unless otherwise ordered by court.

- The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- The defendant shall cooperate in the collection of DNA as directed by the probation officer pursuant to 18 USC 3583(d).
- The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant must comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

### STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

08CR1191-DMS

AO 245B (Rev. 9/00) Judgment in a Criminal Case  
Sheet 3 — Continued 2 — Supervised ReleaseJudgment—Page 4 of 4DEFENDANT: ANGEL JOSE BERMUDEZ  
CASE NUMBER: 08CR1191-DMS

+

**SPECIAL CONDITIONS OF SUPERVISION**

- Submit to a search of person, property, residence, abode or vehicle, at a reasonable time and in a reasonable manner, by the probation officer.
- If deported, excluded, or allowed to voluntarily return to country of origin, not reenter the United States illegally and report to the probation officer within 24 hours of any reentry to the United States; supervision waived upon deportation, exclusion, or voluntary departure.
- Not transport, harbor, or assist undocumented aliens.
- Not associate with undocumented aliens or alien smugglers.
- Not reenter the United States illegally.
- Not enter or reside in the Republic of Mexico without written permission of the probation officer.
- Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- Participate in a program of mental health treatment as directed by the probation officer, take all medications as prescribed by a psychiatrist/physician, and not discontinue any medication without permission. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- Take no medication containing a controlled substance without valid medical prescription, and provide proof of prescription to the probation officer, if directed.
- Participate in a mental health treatment program as directed by the probation office.
- Provide complete disclosure of personal and business financial records to the probation officer as requested.
- Be prohibited from opening checking accounts or incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- Seek and maintain full time employment and/or schooling or a combination of both.
- Resolve all outstanding warrants within            days.
- Complete            hours of community service in a program approved by the probation officer within
- Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of up to 120 days.
- Reside in a Residential Reentry Center (RRC) as directed by the Bureau of Prisons for a period of commencing upon release from imprisonment.
- Remain in your place of residence for a period of            , except while working at verifiable employment, attending religious services or undergoing medical treatment.
- Not engage in any form of telemarketing, as defined in 18 USC 2325, without the written permission of the probation officer.
- Comply with the conditions of the Home Confinement Program for a period of            months and remain at your residence except for activities or employment as approved by the court or probation officer. Wear an electronic monitoring device and follow procedures specified by the probation officer. Pay the total cost of electronic monitoring services, or a portion if deemed appropriate by the probation officer.
- Participate in a program of drug or alcohol abuse treatment, including urinalysis testing and counseling, as directed by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.

MIME-Version: 1.0  
From:efile\_information@casd.uscourts.gov  
To:deadmail  
Bcc:JMilchen@cox.net, HBFANDJM@aol.com, norma\_aguilar@fd.org, aguilarlaw@yahoo.com, diana\_sarmiento@fd.org, peter.mazza@usdoj.gov, efile.dkt.gc1@usdoj.gov, lilian.ruiz@usdoj.gov, jennifer\_coon@fd.org, sylvia\_enrique@fd.org, efile\_Sabraw@casd.uscourts.gov  
Message-Id:<2777337@casd.uscourts.gov>  
Subject:Activity in Case 3:08-cr-01191-DMS USA v. Bermudez et al Sentencing  
Content-Type: text/html

**\*\*\*NOTE TO PUBLIC ACCESS USERS\*\*\* Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.'**

**U.S. District Court**

**Southern District of California**

**Notice of Electronic Filing**

The following transaction was entered on 8/15/2008 at 2:31 PM PDT and filed on 8/15/2008

**Case Name:** USA v. Bermudez et al

**Case Number:** 3:08-cr-1191

**Filer:**

**Document Number:** 40 (No document attached)

**Docket Text:**

**Minute Entry for proceedings held before Judge Dana M. Sabraw: P/O Report and Sentencing held on 8/15/2008 for Angel Jose Bermudez (1). Counts 1, 2 and 3 concurrently: Custody of BOP for 41 months, followed by 2 years supervised release. No fine, \$100 penalty assessment. Appeal rights given to defendant by the Court. (Court Reporter LeeAnn Pence). (Plaintiff Attorney AUSA Peter Mazza).(Defendant Attorney Joseph Milchen CJA). (jak)**

**3:08-cr-1191-1 Notice has been electronically mailed to:**

Joseph Milchen JMilchen@cox.net, HBFANDJM@aol.com

Norma A Aguilar norma\_aguilar@fd.org, aguilarlaw@yahoo.com, diana\_sarmiento@fd.org

Peter J Mazza peter.mazza@usdoj.gov, efile.dkt.gc1@usdoj.gov, lilian.ruiz@usdoj.gov

Jennifer L Coon jennifer\_coon@fd.org, sylvia\_enrique@fd.org

**3:08-cr-1191-1 Notice has been delivered by other means to:**

MIME-Version:1.0  
From:efile\_information@casd.uscourts.gov  
To:casd.uscourts.gov  
Bcc:tgglaw@sbcglobal.net, HBFANDJM@aol.com, JMilchen@cox.net, cassd\_ecf@fd.org,  
Efile.dkt.gc2@usdoj.gov, efile\_Battaglia@casd.uscourts.gov  
Message-Id:<2516745@casd.uscourts.gov>  
Subject:Activity in Case 3:08-mj-01009-AJB USA v. Bermudez et al Initial Appearance  
Content-Type: text/html

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**U.S. District Court**

**Southern District of California**

**Notice of Electronic Filing**

The following transaction was entered on 4/4/2008 at 9:44 AM PDT and filed on 4/3/2008

**Case Name:** USA v. Bermudez et al

**Case Number:** 3:08-mj-1009

**Filer:**

**Document Number:** 2(No document attached)

**Docket Text:**

Minute Entry for proceedings held before Magistrate Judge Anthony J. Battaglia : Initial Appearance on Complaint as to Defts Angel Jose Bermudez and David Perez-Lemos held on 4/3/2008. Attorney Joseph Milchen (n/a) appointed for Angel Jose Bermudez. Federal Defenders appointed for David Perez-Lemos. Bond set as to Angel Jose Bermudez (1) \$35,000 P/S secured by signatures of 2 FRA and David Perez-Lemos (2) \$25,000 C/CS; 18:3142(d) hold. Attorney Thomas G Gilmore (n/a) appointed for MWs Carlos Del Monte-Palacios (n/a), Olegario Noriega-Gonzalez (n/a), and Rodrigo Angulo-Arzate(n/a). Preliminary Hearing set for 4/17/2008 09:30 AM in Courtroom E before Magistrate Judge Cathy Ann Bencivengo. (Tape #AJB08-10:54-11:17).(Plaintiff Attorney Carlos Canta, AUSA).(Defendant Attorney s/a Stephen Demik, FD). (knh)

**3:08-mj-1009-1 Notice has been electronically mailed to:**

Thomas G Gilmore tgglaw@sbcglobal.net  
Joseph Milchen HBFANDJM@aol.com, JMilchen@cox.net  
Federal Defenders cassd\_ecf@fd.org  
U S Attorney CR Efile.dkt.gc2@usdoj.gov

**3:08-mj-1009-1 Notice has been delivered by other means to:**

**3:08-mj-1009-2 Notice has been electronically mailed to:**  
Thomas G Gilmore tgglaw@sbcglobal.net  
Joseph Milchen HBFANDJM@aol.com, JMilchen@cox.net  
Federal Defenders cassd\_ecf@fd.org  
U S Attorney CR Efile.dkt.gc2@usdoj.gov

**3:08-mj-1009-2 Notice has been delivered by other means to:**

## Notice of Appeal Notification Form

**To:** Clerk, U.S. Court of Appeals                           **Date:** 8/20/2008  
**From:** U.S. District Court, Southern District of California  
**Subject:** New Appeals Case Information & Docket Fee Notification

### Case Information

Case Title: United States of America v. Angel Jose Bermudez

U.S.D.C. No.: 08cr1191-DMS-1                           U.S.D.C. Judge: Dana M. Sabraw

Complaint/Indictment/Petition Filed: Indictment

Appealed Order Entered: 8/18/2008

Notice of Appeal Filed: 8/20/2008

Court Reporter: Lee Ann Pence

COA Status:  Granted in full/part (appeal only)                            Denied (send clerk's file)

### Docket Fee Notification

Docket Fee:  Paid                            Not Paid                                    No Fee Required

USA/GOV'T. APPEAL:  Yes            No

Date F/P granted (Show Date and Attach Copy of Order): \_\_\_\_\_

Was F/P Status Revoked?  Yes                            No

Companion Case(s): (Please list consolidated cases, if applicable) \_\_\_\_\_

### Counsel Information

#### Appellant Counsel:

Joseph Milchen  
Law Offices of Joseph Milchen  
136 Redwood Street  
San Diego, CA 92103  
(619) 291-3399

#### Appellee Counsel:

Peter J Mazza  
U S Attorneys Office Southern District of CA  
880 Front Street, Room 6293  
San Diego, CA 92101  
(619) 557-5610

Counsel Status:  Retained                            Appointed                            Pro Se

Appointed by: Magistrate Judge Anthony J. Battaglia  
(Attach copy of order/minutes)

### Defendant Information

Prisoner ID Number: 08033-298

Bail: \_\_\_\_\_

Custody: x

**SERVICE LIST**

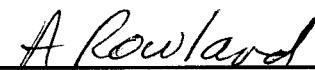
**Counsel for Appellant(s) and Appellee(s), as listed on the previous page, have been sent copies of the following items:**

<input checked="" type="checkbox"/>	Transmittal of U.S.C.A. (Appellant and Appellee)
<input checked="" type="checkbox"/>	Case Information/Docketing Fee Notification Form. (Appellant Only)
<input checked="" type="checkbox"/>	Notice of Appeal. (Appellant, Appellee, U.S. District Judge, USPO, and Court Reporter)
<input checked="" type="checkbox"/>	Docket Entries (Appellant and Appellee)
<input checked="" type="checkbox"/>	Designation of Reporter's Transcript and Ordering Form. (Appellant Only, mailed separately)
<input checked="" type="checkbox"/>	Order for Time Schedule. (Criminal Only) (Appellant, Appellee, and Court Reporter)
	Magistrate Judge's Report and Recommendation
	COA Order
	F/P Order
	Minute Order
<input checked="" type="checkbox"/>	Other: Judgment, entered 8/18/2008; NEF Sentencing Minutes, entered 8/15/2008; NEF Minutes Appointing Counsel, entered 4/4/2008

Form Completed And Documents Served By U.S. District Court Deputy Clerk:

Angela Rowland

Deputy's Name



Deputy's Signature

**UNITED STATES DISTRICT COURT**  
**Southern District Of California**  
**Office Of The Clerk**  
**880 Front Street, Room 4290**  
**San Diego, California 92101-8900**  
**Phone: (619) 557-5600**  
**Fax: (619) 702-9900**

W. Samuel Hamrick, Jr.  
Clerk of Court

To: Clerk, U.S. Court of Appeals  
P.O. Box 193939  
San Francisco, CA 94119-3939

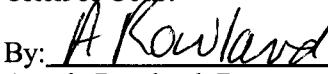
Re: **USCA No:**  
**USDC No: 08cr1191-DMS-1**  
**USA v. Bermudez**

Clerk, U.S. Court of Appeals, enclosed herewith you will please find:

<input checked="" type="checkbox"/>	Copy of the Notice of Appeal		<input checked="" type="checkbox"/>	Docket Entries						
<input checked="" type="checkbox"/>	Case Information/Docket Fee Payment Notification Form									
<input checked="" type="checkbox"/>	Order for Time Schedule (Criminal)									
Original Clerk's Record in			set(s) of		volume(s).					
Reporter's transcript's transcripts in			set(s) of		volume(s).					
Exhibits in		envelope(s)	box(es)		folders(s)					
<input checked="" type="checkbox"/>	Judgement Order			F/P Order						
CJA Form 20			Minute Order							
Certificate of Record			Mandate Return							
Magistrate Judge's Report and Recommendation										
COA Order										
Amended docket fee notification form										
Order Appointing Counsel for Appeal										
<input checked="" type="checkbox"/>	NEF Sentencing Minutes, entered 8/15/2008; NEF Minutes Appointing Counsel, entered 4/4/2008									
<input checked="" type="checkbox"/>	Please acknowledge on the enclosed copy of this transmittal									

Sincerely yours,

W. Samuel Hamrick, Jr.  
Clerk of Court

By:   
Angela Rowland, Deputy

Date: 8/20/2008